

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

HOWARD E. BRADEN, #241878	§	
VS.	§	CIVIL ACTION NO. 6:16cv319
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Howard E. Braden, a prisoner confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a prison disciplinary proceeding. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition should be dismissed with prejudice. Petitioner has filed objections.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. It is specifically observed that Petitioner erroneously argued in his objections that his petition may be considered on the merits. Petitioner, however, does not have a protected liberty interest in having his claims considered on the merits since he has a Life sentence and is ineligible for release on mandatory supervision. *Arnold v. Cockrell*, 306 F.3d 277, 279 (5th Cir. 2002); *Osteen v. Cockrell*, 61 F. App'x 918 (5th Cir. 2003). Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #8) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** with prejudice. It is further

ORDERED that a certificate of appealability is **DENIED**. It is further

ORDERED that the case is **DISMISSED** without prejudice with respect to a possible civil rights lawsuit that may arise from the facts of this case involving allegations of deprivation of property without due process. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 20th day of May, 2016.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE